

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 04-30126-MAP

v.

CARDIAC SCIENCE, INC., ET AL.

Defendants.

**DEFENDANT'S MOTION TO VOLUNTARILY DISMISS DEFENDANT'S
COUNTERCLAIMS WITHOUT PREJUDICE**

COMES NOW Defendant Cardiac Science, Inc., hereby moving the Court to voluntarily dismiss Defendant's counterclaims without prejudice pursuant to FED.R.CIV.P. 41(c). In accordance with the Order of June 20, 2006 requesting a status update on Defendant's counterclaims, Defendant asks the Court to dismiss Defendant's counterclaims without prejudice.

Respectfully submitted,

**PATTERSON, THUENTE,
SKAAR & CHRISTENSEN, P.A.**

Dated: July 17, 2006

By: s/ Randall T. Skaar

Randall T. Skaar (#165,013)

Scott G. Ulbrich (#305,947)

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and

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ATTORNEYS FOR CARDIAC SCIENCE, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 3:04-cv-30126 MAP

v.

CERTIFICATE OF SERVICE

CARDIAC SCIENCE, INC., ET AL.,

Defendants.

I hereby certify that on **July 17, 2006**, I caused the following documents:

1. Defendant Cardiac Science's Motion to Voluntarily Dismiss Defendant's Counterclaims Without Prejudice; and
2. Certificate of Service

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Mr. Paul H. Rothschild
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I further certify that on July 17, 2006 the following was served upon the below-named parties via United States Mail, postage prepaid:

Ms. Colleen M. O'Neil
Calfee, Halter & Griswold, LLP
1400 McDonald Investment Center
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Cleveland, OH 44114-2688

Mr. Donald Hutchins
1047 Longmeadow Street
Longmeadow, MA 01106-2201

Respectfully submitted,

**PATTERSON, THUENTE,
SKAAR & CHRISTENSEN, P.A.**

Dated: July 17, 2006

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